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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,445	06/23/2003	Norimasa Shibata	1767-115	7106
23117	7590	08/16/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			LASHLEY, LAUREL L	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/600,445	SHIBATA, NORIMASA
	<b>Examiner</b>	<b>Art Unit</b>
	Laurel Lashley	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND  
PRIMARY EXAMINER

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1 – 15 have been examined.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 05/25/2004 was filed after the mailing date of the application on 06/23/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

4. The drawings are objected to because the incorrect spelling “tarminal” rather than -- terminal-- appears in Figures 1, 9 - 10, 12-13, and 15-16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The specification is objected to because of the following informalities: misspelling of "anther" where it should be --another-- on page 4.

The disclosure is objected to because of the following informalities: the incorrect spelling "cession" rather than --session-- appears.

Appropriate correction is required.

***Claim Objections***

6. Claims 1, 2, 4, 5, 8, 9, 12, 14 and 15 are objected to because of the following informalities:

- Claims 1, 4, 8, 14 and 15 recite the misspelling of "communitarian" where it should be --communication--;
- Claims 2 and 12 omit the word --by-- in the recitation of "the second key information generated the server system"; and
- Claims 5 and 9 recite "cession" as oppose to --session--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai On in US PGPub No. 2002/0059531 (hereinafter US PGPub '531).

As for claim 1 and similar claims 4, 8, and 14 – 15, US PGPub '531 discloses:

An authentication system in which a communication terminal is communicably connected to a server system via communication means, wherein an authenticated result for a user who handles the communitarian terminal is made reference to provide data from the server system to the communication terminal via the communication means, the server system comprising:

a first authentication unit configured to authenticate user-identifying information transmitted from the communication terminal and generate first key information based on the user-identifying information so that the first key information is transmitted from the server system to the communication terminal;

a second authentication unit configured to authenticate the first key information transmitted from the communication terminal and generate second key information to access the data based on the first key information so that the second key information is transmitted from the server system to the communication terminal; and

an access permitting unit configured to permit the data to be accessed within a predetermined period of time, the access being carried out on the basis of the second key

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information transmitted from the communication terminal. (see Abstract; Figure 2 and 3; [0008]-[0010])

For claim 2 and similar claim 12, US PGPub '531 discloses:

The authentication system according to claim 1, further comprising a second server system different from the server system, wherein the second server system comprises a third authentication unit configured to authenticate the second key information generated by the server system. (see Figure 2, item 204; [0019]: describing the database; [0024])

For claim 3, and similar claim 13, US PGPub '531 teaches:

The authentication system according to claim 1, wherein the second server system is configured to set a period of time to permit the access to the data on the basis of a time instant at which the second key information is acquired and an accessible period of time remaining in the predetermined period of time for the access. (see [0004], lines 10-11: as performed during the login sessions and session keys)

For claim 5 and similar claim 9, US PGPub '531 teaches:

The server system according to claim 4, wherein the first key information is an access key to access to the data stored in the server system and the second key is a cession key for transmission control of the data. (see [0008], lines 2-6)

For claim 6 and similar claim 10, US PGPub '531 discloses:

The server system according to claim 4, wherein, in cases where the user-identifying information is transmitted using a second communication terminal other than the communication terminal, the first authentication unit transmits, to the second communication terminal, a second access key generated based on the user-identifying information provided from the second communication terminal, as the second access key being regarded as the access key. (see [0008], lines 6 - 15)

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For claim 7 and similar claim 11, US PGPub '531 discloses:

The server system according to claim 4, wherein the communication terminal is configured to previously have predetermined terminal-identifying information being sent to the server system together with the user-identifying information. (see [0009], lines 4 - 9)

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiltgen in US PGPub No. 2003/0177392 and Perlman in US 6173400, and Tabuki disclose ideas parallel to applicant's claimed invention.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
Art Unit 2132

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14 August 2006  
LLL

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